

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ JUN 7 - 2010 ★

BROOKLYN OFFICE

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AZITA YOUSIAN, for Jason Amir,

Plaintiff,

- against -

COMMISSIONER OF SOCIAL SECURITY,

Defendant.
----- X

ORDER

10 Civ. 2479 (BMC)

**NOTE THAT THIS ORDER DOES NOT CONFORM
WITH ADMINISTRATIVE ORDER 2008-05.
PARTIES SHOULD FOLLOW THE PROCEDURE
SET FORTH BELOW.**

Summary of Schedule:

- Administrative record and Answer to be filed by **September 27, 2010**.
- Defendant's Motion for Judgment on the Pleadings to be filed by **November 24, 2010** or within 90 days of receipt of the administrative record, whichever is earlier.

Plaintiff initiated this action by filing the complaint on May 27, 2010.

Defendant will promptly obtain, file and provide to the Court the administrative record of the proceedings and will file its answer within 120 days and in any event, by September 27, 2010. If the defendant is unable to file its responsive papers timely, he will notify the Court in writing by that date. Such notification shall include a request for an extension which specifies a date and demonstrates good cause for the extension. In addition, the notification shall state the date the administrative record was requested, whether or not it has been received, and the most recent efforts made to obtain it.

The defendant will move for judgment on the pleadings, unless otherwise directed by the Court, within 90 days after filing its answer or by November 24, 2010 (which is 180 days after the filing of the complaint), whichever is earlier.

Plaintiff's response papers will be filed within 30 days, and in any event by December 27, 2010. It is strongly recommended that defendant file a reply brief within 30 days of plaintiff's responsive papers.

To the extent a party's memorandum of law uses medical terminology not in common usage among laypersons, the memorandum shall explain the term, with a citation to a medical reference source supporting the definition. If the use of the term relates to the results of a medical test, the memorandum shall explain how those results bear on the finding of non-disability.

The Parties should note that this Court does not follow the bundling rule implemented by Administrative Order 2008-5 and therefore all motion papers must be filed promptly upon service.

The plaintiff's *in forma pauperis* application is granted and the Clerk of the Court is directed to forward to the United States Marshal's Office for the Eastern District of New York copies of plaintiff's summons and complaint. The Marshal is directed to serve the summons and complaint upon the defendant without prepayment of fees.

SO ORDERED.

s/ Brian M. Cogan

Dated: Brooklyn, New York
June 4, 2010

U.S.D.J.